

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**IN RE GUANTANAMO BAY DETAINEE
LITIGATION**

Misc. No. 08-442 (TFH)

This document relates to:

Civil Action No. 06-1765 (HHK)

IYOB MURSHAD ALI SALEH,

Petitioner/Plaintiff,

v.

GEORGE W. BUSH, et al.,

Respondents/Defendants.

PETITIONER SALEH'S STATUS REPORT

Iyob Murshad Ali Saleh (also listed as Ayoub Murshid Ali Saleh) is a Yemeni citizen, who is presently incarcerated in Guantanamo under the ISN #836. This status report describes the current position of Petitioner Saleh's habeas corpus petition, filed on October 16, 2006.

Factual Return. Respondent has not produced a factual return in this case.

Protective Order. The following protective order and amendments were entered in this case on November 17, 2006: (1) the Amended Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba, first issued on November 8, 2004, in *In re Guantanamo Bay Detainee Cases*, 344 F. Supp. 2d 174 (D.D.C. 2004); (2) the Order Addressing Designation Procedures for

“Protected Information,” first issued on November 10, 2004; and (3) the Order Supplementing and Amending Filing Procedures Contained in November 8, 2004 Amended Protective Order, first issued on December 13, 2004.

Notice of Transfer. On July 28, 2007, the court entered an order requiring the government to provide the counsel for petitioner and the Court with thirty days’ advance notice of intended removal from Guantanamo (dkt. no. 32). The government appealed this order on September 26, 2007 (dkt. no. 33). On October 11, 2007, the Court of Appeals ordered that the appeal be held in abeyance.. *See Saleh v. Bush*, No. 07-5323 (D.C. Cir., filed Sept. 28, 2007). Both parties have requested that the appeal be stayed pending resolution of a similar case (dkt. nos. 3, 5).

Pending Motions. There is one pending motion in this case. Respondent’s motion to dismiss (dkt. no. 14) argued that this Court lacked jurisdiction to hear this habeas petition. That motion, briefed before the Supreme Court’s decision in *Boumediene v. Bush*, 128 S. Ct. 2229 (2008), is now moot.

Status of Stay. This case stayed this case on July 28, 2007 (dkt. no. 32), pending resolution of Respondent’s jurisdictional challenge in *Boumediene*. The stay should be removed immediately, allowing Petitioner to pursue his case in an expeditious manner.

Dated: July 18, 2008

Respectfully submitted,

Counsel for Petitioner:

/s/ Brent N. Rushforth
Brent N. Rushforth (DC 331074)
Kit A. Pierson (DC 398123)
Sarah B. Pojanowski (DC 502036)
HELLER EHRMAN LLP

1717 Rhode Island Avenue, NW
Washington, DC 20036
Tel: (202) 912-2000
Fax: (202) 912-2020

Shayana Kadidal (DC 49512)
Pardiss Kebriaei (DC 51395)
**CENTER FOR CONSTITUTIONAL
RIGHTS**
666 Broadway, 7th Floor
New York, New York 10012
Tel: (212) 614-6439
Fax: (212) 614-6499

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CERTIFICATE OF SERVICE

I hereby certify that, on this 18th of July, 2008, I caused a true and correct copy of the **PETITIONER SALEH'S STATUS REPORT** to be served by on the ECF system:

TERRY M. HENRY
ANDREW WARDEN
JUDRY SUBAR
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel: (202) 514-4107
Fax: (202) 616-8470
Counsel for Respondents

/s/ Brent N. Rushforth